



---

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

July 14, 2005

KENYON & KENYON  
1500 K STREET NW  
SUITE 700  
WASHINGTON, DC 20005  
US

Dear Sir/Madam,

Your refund request for 10043153 in the amount of \$264.00 has been denied .

\$528 was never charged to your D/A. You have always been a small entity.

See enclosed fee sheet.

Sincerely,

ELEANOR KURTZ  
Technical Center Others



DEPT & REG  
DIVISION ROOM # 807

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

MAY 27 AM 9:10

APPLICANT : Phillip E. Morris  
SERIAL NO. : 10/043,153  
FILED : January 14, 2002  
FOR : EXERCISE MACHINE WITH VARIABLE RESISTANCE UNIT AND BRAKING UNIT  
ART UNIT : 3764  
EXAMINER : T. M. Nguyen  
FOR : 10541/6

MAIL STOP 16

COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**REQUEST FOR REFUND FOR SMALL ENTITY STATUS**

Applicant hereby request a refund in the amount of \$264.00.

Though Applicant qualifies as a "small entity" under 37 C.F.R. §1.27(a), Applicant inadvertently paid the large entity fee for six (6) independent claims for the Response to the September 9, 2004, Office Action filed on October 27, 2004.

The Amendment Transmittal and the Amendment for which the fee of \$528.00 was charged to the Kenyon & Kenyon, Deposit Account No. 11-0600. Applicants are small entity.

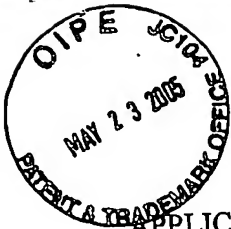
It is requested that the amount of \$264.00 for small entity be refunded and credited to the Kenyon & Kenyon, Deposit Account No. 11-0600 (this represents the difference between the amount that was paid for a large entity and the amount that was actually owed as a small entity). A duplicate of this letter is enclosed for this purpose.

Respectfully submitted,

Cassandra T. Swain, Ph.D.  
Registration No. 48,361

Date May 23, 2005

KENYON & KENYON  
1500 K Street, NW, Suite 700  
Washington, D.C. 20005-1257  
Tel.: (202) 220-4200  
Fax.: (202) 220-4201



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Phillip E. Morris  
SERIAL NO. : 10/043,153  
FILED : January 14, 2002  
FOR : EXERCISE MACHINE WITH VARIABLE RESISTANCE UNIT AND  
BRAKING UNIT  
ART UNIT : 3764  
EXAMINER : T. M. Nguyen  
FOR : 10541/6

MAIL STOP 16

COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**REQUEST FOR REFUND FOR SMALL ENTITY STATUS**

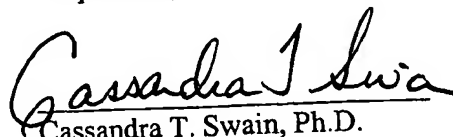
Applicant hereby request a refund in the amount of \$264.00.

Though Applicant qualifies as a "small entity" under 37 C.F.R. §1.27(a), Applicant inadvertently paid the large entity fee for six (6) independent claims for the Response to the September 9, 2004, Office Action filed on October 27, 2004.

The Amendment Transmittal and the Amendment for which the fee of \$528.00 was charged to the Kenyon & Kenyon, Deposit Account No. 11-0600. Applicants are small entity.

It is requested that the amount of \$264.00 for small entity be refunded and credited to the Kenyon & Kenyon, Deposit Account No. 11-0600 (this represents the difference between the amount that was paid for a large entity and the amount that was actually owed as a small entity). A duplicate of this letter is enclosed for this purpose.

Respectfully submitted,

  
Cassandra T. Swain, Ph.D.

Registration No. 48,361

Date May 23, 2005

KENYON & KENYON  
1500 K Street, NW, Suite 700  
Washington, D.C. 20005-1257  
Tel.: (202) 220-4200  
Fax.: (202) 220-4201



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Phillip E. Morris  
SERIAL NO. : 10/043,153  
FILED : January 14, 2002  
FOR : EXERCISE MACHINE WITH VARIABLE RESISTANCE UNIT AND  
BRAKING UNIT  
ART UNIT : 3764  
EXAMINER : T. M. Nguyen

MAIL STOP AMENDMENTS  
COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT**

SIR:

In response to the Office Action of September 9, 2004, please amend the above-identified application as follows:

10/28/2004 HUUONG1 00000024 110600 10043153

11 FC:2201 264.00 DA

3764  
P

PTO  
AT 27 J00  
TRADEMARK OFFICE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 528.00

## Complete If Known

Application Number 10/043,153  
Filing Date January 14, 2002  
First Named Inventor Phillip E. Morris  
Examiner Name T. M. Nguyen  
Art Unit 3764  
Attorney Docket No. 10541/8

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit Account Number 11-0600

Deposit Account Name Kenyon & Kenyon

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$10)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	35	35	=	0	X	0	=	0
Independent Claims	11	5	=	6	X	88	=	528.
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	280	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 528.

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$)

## SUBMITTED BY

Name (Print/Type) Cassandra T. Swain, Ph.D. Registration No. (Attorney/Agent) 48,361 Telephone 202-220-4273  
Signature *Cassandra T Swain* Date October 27, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-788-9199) and select option 2.